

Common Classrooms, Common Playgrounds

Common Education for India's Children:

Assessing the impact of the Allahabad High Court Judgement of August 2015



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Introduction

One Step Forward for Equality in Education: returning to the idea of common neighbourhood schools.

The judgement delivered by Justice Sudhir Aggarwal of the Allahabad High Court on 18th August 2015 on a series of petitions relating to teacher appointments in schools under the U.P. Board of Basic Education is a significant milestone in the struggle to attain the constitutional obligation of the State to provide for free and compulsory elementary education of quality for all. This obligation is based on constitutional principles of equality and pluralism which are essential components for building a truly democratic society and republican polity, and is not merely a necessary requirement for feeding a flourishing market economy with a skilled work force. However, to undo the injustice of the Right to Education Act (RTE 2009) which restricted the provisions providing for free and compulsory education only to children aged between 6 to 14 years who study in government and government-aided schools, it would be necessary to legislatively expand it to cover all children from early childhood and pre-school upto Class XII.

The Education Commission (1964-66), the Kothari Commission, had recommended setting up a national system of 'common schools' to be attended by all children from an educationally defined 'neighbourhood', as the most appropriate way to carry out the constitutional obligation of the state to provide free and compulsory education to all children. A school neighbourhood is so designed that it reflects the class, caste and status profile of the area and opens up adequate space for its heterogeneous variety. It is an interesting historical fact, that all societies which have successfully universalized school education have followed the basic concept of common neighbourhood schools established and financially supported by the state. This has been so irrespective of their socio-economic differences, e.g. capitalist/ socialist, developing/ underdeveloped, or the particular historical period when they embarked on the policy, e.g. Europe, USA and Japan in the late 19th C and countries of south-east and west Asia, and China in the 20th C. Venezuela and Bolivia have proved to be great achievers at the start of the 21st C.

American political analyst, Myron Weiner, has argued that the state has a "legal duty" to defend the right to education of all children against exploitation by vested interests, market forces and even from parental negligence or difficulties posed by family circumstances. The universalization of school education cannot be left to charity or Non-Governmental Organizations (NGO's). Still less can it be allowed to become a tradable commodity brought into the market-place for the benefit of profiteers.

The landmark Allahabad High Court judgement bases its conclusion on premises and arguments that are firmly grounded in egalitarian principles. It emphasizes the democratic and educational importance of shared schooling for children from all sections of society: "It will also boost social equation. It will give an opportunity to children of common men to interact and mix-up with children of so-called high or semi high society. . . . and bring revolution in changing Society from grass root level. The initial level mixing among all children will have a different consequences".

It notes that the state has failed to fulfil its constitutional and political obligation by not implementing the policy recommendation outlined decades ago by the Kothari Commission. This has led to an unhealthy division of schools into 'elite', 'semi-elite' and 'common man's schools'. The division is based solely on privilege and wealth. It has no educational basis or social value in a democratic society as it excludes "almost 90% children" from the so-called good 'public' schools which are in fact private enclaves of the rich and powerful. The judgement clearly states that if the process is reversed and government schools are strengthened and properly run, it is the private schools which will become irrelevant.

What then is responsible for the failure of the State to meet its constitutional obligations? According to the judgement it is not a vague "lack of political will" that is at fault. It specifically identifies the source of the problem: it is the increasing gap between the interests of the political, administrative and economic powers that be (those who are part of the elite) and the lives and concerns of the ordinary citizens of the country whose children need to send their children to these schools. "After more than 65 years of independence, these Schools are still struggling to have basic amenities for children, coming thereat, like drinking water, space for natural calls etc. . . . It is not difficult to understand, why conditions of these Schools has not improved. The reason is quite obvious and simple, though the State Government is not able to see. There is no real involvement of administration with these Schools.

Any person who has some capacity and adequate finances, sends his child/children in Elite and Semi-Elite Primary School. They do not even think of sending their wards for primary education to . . . third category Schools, i.e. Common-men's Schools. The public administration therefore has no actual indulgence to see functioning and requirements of these schools."

The judgement offers a solution to these chronic policy failures and administrative neglect. Only if the administrators of the government schools are genuinely concerned about the future of government schools will we see any real changes. They will feel this concern only when their own children attend the 'common man's' schools - the term the court judgement uses to refer to the government schools governed by the U.P. Board of Basic Education. Hence the court directive orders that an enforced integration be undertaken to ensure that all persons, both governmental personnel and private parties, who benefit in the slightest degree either through salary, grants or payment from the state treasury, would be required to place their children in state-run common schools. In case they fail to do so, a penalty would be imposed on all such persons who admit their children to private elite schools.

This punitive action makes sense only when it is seen in the proper context: as the recognition of a right for all India's children which has not been realized for over 50 years. Therefore, it cannot be seen as a denial of a democratic choice' offered to powerful and affluent elites. The judgement clearly argues that this so-called 'choice' is the very reason for the vast majority of India's children being denied their fundamental right to quality education and therefore it cannot be democratically defended. Hence the Chief Secretary of the state is directed to ensure that "the children/wards of Government servants, semi-Government servants, local bodies, representatives of people, judiciary and all such persons who receive any perk, benefit or salary etc. from State exchequer or public fund, send their child/children/wards who are in age of receiving primary education, to Primary Schools run by Board. . . and ensure to make penal provisions for those who violate this condition". The penal provisions are intended to encourage compliance.

Equally significant is the fact that the solution to the state's failure is taken up in dealing with several petitions relating to teacher selection procedures and focusing attention on frequent "mindless, negligent, casual" amendments to rules which result in inordinate delays and discrepancies in appointments and therefore in unnecessary litigation. The judgement therefore underlines that proper training and selection of teachers is central to creating a system of quality schools for all. Enhancing the quality and commitment of teachers requires that rational rules and transparent procedures are set in place so that timely selections of adequately trained teachers on a permanent basis can be undertaken. The judgement rejects the entire practice of appointing para- or semi-trained teachers, and of contractualizing teaching posts – a strategy being employed across the country to 'save money'!

The points raised above are not 'moralistic' issues with little substantial evidence. Educationists and numerous policy documents have borne out their truth. They create legal grounds for the

judgement's conclusions in favouring a policy and practice for promoting common schools for which the administration will be appropriately equipped. Popularizing the judgement through movements will create conditions for facilitating its legal passage through the appeals which will certainly contest it. Such struggles are also necessary if we want to see it implemented with proper monitoring if the struggle can succeed in getting it passed.

At a time when things seemed to be going from bad to worse in the education sector, this judgement has brought a ray of hope. Along with others, organizations like the All India Forum for Right to Education (AIFRTE), its 45 member organizations, and more than 200 fraternal organizations and scores of individuals who joined and supported the All India Shiksha Sangharsh Yatra 2014 (AISSY2014) have been in the forefront of the struggle for a universal, state funded education system. From 2nd November to 4th December 2014, five yatras had travelled through more than four hundred districts across the country before culminating in an unprecedented rally and cultural programme at Bhopal. The AISSY2014 aroused and mobilized the demand of lakhs of people that the constitutional right to free and compulsory education through the common neighbourhood school system could no longer be denied.

The judgement has also brought fresh energy to the AIFRTE's current struggle, which has been joined by several students and university teachers organizations, against government's decision to hand over higher education as "a tradeable commodity" for regulation by the World Trade Organization's General Agreement on Trade & Services (WTO-GATS). The campaign successfully held an 8-day Camp of Resistance along with several student, youth and teachers organizations at Delhi's Jantar Mantar from 7th to 14th December 2015.

It had seemed as if those who could manage the funds would give in to the neo-liberal policies of privatization and commercialization of education and only a potentially jingoistic nationalism would make the elite and middle classes realize the threat to national sovereignty in succumbing to WTO-GATS. However, the Allahabad judgement has significantly altered that scenario. It has unequivocally reminded us of what independent India was intended to achieve as a society and as a polity. The order passed by the learned judge repudiates the "values" (if one can even call them values) of discrimination and inequality being promoted by current neo-liberal policies which are trying to reduce all human undertakings and social activities to being just functions of market needs and goals.

Madhu Prasad

Excerpts from the Allahabad High Court Judgement

Relevant Comments by the learned Judge Sudhir Aggarwal

79.

However, before parting, this Court finds something necessary to be said with respect to primary education in the State and shabby manner it is being dealt with by the Department and Officers responsible therefor which has resulted in multiple litigation also. It is a matter of common knowledge that basic education in State of U.P. is being administered through the Department of Basic Education, which is under the Secretary (Basic Education) and is under a separate ministry. Annual budget allocation for maintaining basic schools recognized by U.P. Board of Basic Education (hereinafter referred to as "Board") under the provisions of U.P. Basic Education Act, 1972 (hereinafter referred to as "Act, 1972") is one of the highest budgetary allocations. The total number of Primary Schools, i.e. Jr.P.S. and Sr.P.S. is around 1.4 lacs which are maintained by Board. The number of teaching staff and Head Masters, therefore, also come to be in lacs. Division Bench judgment in Shiv Kumar Pathak and others Vs. State of U.P. and others (supra) has noticed that about 2.70 lacs posts of Assistant Teachers in Primary Schools run by Board are lying vacant. That was in November' 2013. The recruitment of thousands of posts at a time used to commence but got trapped in huge litigation due to unmindful, irregular and casual approach of the official(s) responsible for managing such recruitment, lack of accountability and credibility as well as sincerity. Unmindful and casual legislation by way of frequent amendment of Rules has worsened the situation.

80.

Today, judicial cognizance can be taken of the fact that there are three categories of Primary Schools running in the State of U.P., imparting education to minor children of this State. One of such categories, which is catering to the need of almost 90 per cent of the population of minor children are run by Board and in the most shabby conditions.

81.

There are a very few number of Primary Schools run by elite and highly privileged category of people which are branded public schools. Some English/Convent Schools are run by Christian minority wherein children of poor and lower-middle class have virtually negligible scope. This category of Schools basically cater to the need of highly rich people, high class Bureaucrats, Ministers, peoples' representatives, like, Members of Parliament, Members of Legislative Assemblies and high-middle class people. The wards of a limited class of elite society can get education therein. Most of the people cannot meet even financial standards of fees. Admission standards are very strict and mostly available due to high resources. These Schools have best kind of infrastructures, tutorial staff and all other facilities. These Schools can be termed as 'Elite Schools'.

82.

In the second category comes, those Primary Schools which are run by normally some private bodies or individuals, catering to wards of lower middle class. Though infrastructure in these Schools is not so sophisticated and ultra modern as that of Elite Schools, still is much better and comparatively even tutorial staff is sufficiently good. They may be termed 'Semi-Elite Schools'.

83.

However, in the third category comes almost all Primary Schools run and managed by Board under its administration. These can be termed as 'Common-men's Schools'. They are the Schools, who cater to the entire category of rural class, urban rural class and those who cannot afford expenses of other two categories. The number of students therein constitute 32 almost 90 per

cent population of minor children in the State. The real catch lies here.

84.

The Constitution has now recognized primary education as a fundamental right for children from 6 to 14 years of age, i.e., virtually upto Class-VIII. In the name of discharge of this constitutional obligation, as already said, more than 1.25 lac and odd Jr.P.S. and Sr.P.S. are being run by Board of Basic Education, for which funds are provided by State. The education in these Schools is supposed to be free, but that is how every thing is free. Virtually a complete lack of infrastructure one can find in these Schools. After more than 65 years of independence, these Schools are still struggling to have basic amenities for children, coming thereat, like drinking water, space for natural calls etc. Even classrooms are in extremely shabby and bad conditions. At many places, classes are being run in open space. The structure, if any, is in dilapidated condition. Though huge money is being invested and spent every year in the name of welfare, of basic education to the wards of poor people but actually nothing has improved. It is not difficult to understand, why conditions of these Schools has not improved. The reason is quite obvious and simple, though the State Government is not able to see. There is no real involvement of administration with these Schools.

Any person who has some capacity and adequate finances, sends his child/children in Elite and Semi-Elite Primary School. They do not even think of sending their wards for primary education to Schools run and managed by Board. Whether it is the District Collector or Police Chief in the District or any other Government Servant, they ensure that their children should get primary education in Primary Schools having better infrastructure and other facilities which obviously belong to first and second categories of Primary Schools, as noted above and completely exclude third category Schools, i.e. Common-men's Schools. The public administration therefore has no actual indulgence to see functioning and requirements of these schools. These schools have become a mode of earning political mileage instead of real catering to its need.

85.

The common men's schools cater the need of Primary Education to only those poor people, whom Hon'ble Mr. Justice Krishna Iyer once said, "tiny million Indians", who find it difficult to make arrangement for two 33 times of meals what to talk of other things. Whatever is made available by system they have no choice but to avail it in conditions "as and where it is". The Government at the level of State and Central, both, are harping every time and almost very frequently on the need of improved Primary School, but their intention has not resulted in execution and reality at grass root level.

86.

The hard real fact is that these institutions, run by Board of Basic Education, are victim of highest level of misappropriation, maladministration and widespread corruption. Standard of teaching is the biggest casualty. Nobody cares for making improvement in the standard of tutorial staff. A competition is going on for political reasons to make lacs of vacancies available in Primary Schools as a source to create committed voters by appointing persons, if not illiterate, but not really competent to teach children of Primary School. A competition is going on to somehow get such persons appointed as teachers in these schools whom they would not like at all to teach their own children. Initially, after making statutory rules under Act, 1972, in 1975, 1978 and 1981, the State tried to fill up the gap of teachers vacancies by appointing much lesser qualified persons i.e. Shiksha Mitra, Anganbari Karyakatri etc. A persistent effort is going on now to absorb these persons as Teachers in Primary Schools run by the Board, if necessary, even by frequent amendments in Rules, without caring but compromising with standard. Is State not answerable to the people at large that competent Teachers should be appointed in Primary Schools by those who are administering institutions so as to make such institutions at par with those where they like to have their wards taught. Since bureaucrats, politicians, rich people and others, all have their alternative channel by having their wards taught in Primary Schools falling in the category of Elite and Semi-Elite, nobody cares of the standard to be maintained in Primary Schools of the Board.

87.

A competition is going on to bring standard of Common-men's Schools down, as much as possible. In my view, now the time has come where immediate attention need be drawn for improvement, not only of infrastructure in these institutions but first of all in respect of teaching staff. That is the basic purpose for which the entire system of Basic Education is, consuming huge public money from public exchequer. The time has come where State must make it compulsory to all those who gets salary, perks and other benefits from State exchequer to have their wards sent to Primary Schools maintained by Board which I have termed Common-men's Schools and not to Schools which, come in the category 1 and 2, i.e., Elite and Semi-Elite and are privately managed. In case, any one flouts this condition, a penal provision should also be made. It is only then the improvement of these institutions will be ensured by those who are responsible for its management in a proper way. It will also boost social equation. It will give an opportunity to children of common men to interact and mix-up with children of so-called high or semi high society, giving them a different kind of atmosphere, confidence and other opportunities. This would give a boost and bring revolution in changing Society from grass root level. The initial level mixing among all children will have a different consequences.

88.

Moreover, when Officials/Government servants would be required to send their wards for primary education in institutions maintained by the Board, they would become serious enough to look into the requirements of concerned Primary Schools and would ensure that same are made available and Schools are run in good/best conditions and standard, else it may affect their own wards.

89.

It is the lack of accountability and casual approach on the part of officials of Basic Education Department that mindless, negligent, casual amendments in Rules; defective Government Orders have been issued from time to time creating cause for multifarious litigations resulting not only in delay in appointment of Primary Teachers but also a very heavy pressure on this Court also. Had a little care been there on the part of responsible Officers in making legislation for making recruitment, huge litigation resulting in lacs of vacancies in Primary Schools maintained by Board would not have caused.

90.

Therefore, the Chief Secretary, U.P. Government is directed to take appropriate action in the matter in consultation with other Officials, responsible in this regard, to ensure that the children/wards of Government servants, semi-Government servants, local bodies, representatives of people, judiciary and all such persons who receive any perk, benefit or salary etc. from State exchequer or public fund, send their child/children/wards who are 35 in age of receiving primary education, to Primary Schools run by Board. He shall also ensure to make penal provisions for those who violate this condition; for example, if a child is sent to a Primary School not maintained by Board, the amount of fee etc. paid in such privately managed Primary School, an equal amount shall be deposited in the Government funds, every month, so long as such education in other kind of Primary School is continued. This amount collected can be utilised for betterment of schools of Board. Besides, such person, if in service, should also be made to suffer other benefits like increment, promotional avenues for certain period, as the case may be. This is only illustrative. The appropriate provisions can be made by Government so as to ensure that ward(s)/child/children of persons, as detailed above, are compelled necessarily to receive primary education in the Primary Schools run by Board.

Combating Educational Inequalities and the Judgment of Allahabad High Court

Vikas Gupta

This paper² underlines the significance of a historic judgment of Allahabad High Court on Primary Education to combat prevalent inequalities in the sphere of Elementary Education.³ Whilst the first half of this essay would describe and analyze key features of this judgment, the second half would critically examine the strength of various counter arguments.

On 18th August 2015, Justice Sudhir Agarwal of Allahabad High Court directed the Uttar Pradesh (UP) Government to ensure that the Government servants, semi-Government servants, local bodies, representatives of people, judiciary and all such persons who receive any perk, benefit or salary etc. from State exchequer or public fund, send their children in age of receiving primary education to Primary Schools run by the Board of Basic Education alone. Here the term 'primary education' implies 'elementary education' from class I to VIII, which is called in UP as Lower Primary and Upper Primary. The category of parents covered under this judgment includes a vast majority of society, not merely Government servants and public representatives. For, the judgment targets 'semi-Government employees', which may imply contractual workers and contractors, and those who receive any 'perk or 'benefit' can include a lot of other persons. The court realized that after more than 65 years of independence, ordinary Government Schools, what it calls 'Common Man's Schools' are still struggling to have basic amenities for children, because the decision makers send their children to elite or semi-elite private schools and therefore do not have any direct interest in Government schools. We have in our country a multilayered system of differently endowed institutions ranging from Government schools for elite categories to ordinary village schools maintained by Gram Panchayats; from high-fee charging schools to low-budget schools run and managed by religious trusts, corporate houses, and other NGOs; exclusive institutions called special schools; and home-based education for particular categories of students; and non-formal or alternative education for those still left out of this ladder. Contrary to the contemporary trend of inclusion within this hierarchical structure, where children are accommodated at different levels in accordance with their socio-economic status and paying capacity, this judgment tries to achieve 'social equation' within the framework provided by the doctrine of equality: it seeks to place a vast majority within an equitable educational order through the instrument of 'Common-Men's Schools' and that too by the intervention of state. For such a mammoth change, the Government is directed to submit compliance report within a time-bound period of six months and make penal provisions for those who violate the directive of 'common-men's school'. The Court asked the Chief Secretary to make penal provisions for those who violate this condition. for example, if a child is sent to a Primary School not maintained by Board, the amount of fee etc. paid in such privately managed Primary School, an equal amount shall be deposited in the Government funds, every month, so long as such education in other kind of Primary School is continued. This amount collected can be utilized for betterment of schools of Board. Besides, such person, if in service, should also be made to suffer other benefits like increment, promotional avenues for certain period, as the case may be. This is only illustrative. The appropriate provisions can be made by Government so as to ensure that ward(s)/child/children of persons, as detailed above, are compelled necessarily to receive primary education in the Primary Schools run by Board.

Justice Agarwal thus unequivocally invoked the framework of compulsion on part of the state representing an approach sterner than the RTE Act. In the RTE Act, none of the section makes it clear unequivocally that who will be penalized, by whom, when and how much, for the failure of a Government or local body maintained school to adhere to the standards and norms prescribed in the

Schedule. Instead, these are explicitly excluded in section 18 (1). Entire Sections 18 and 19 are exclusively concerned with the recognition procedure to be followed for Private and Aided Schools. Section 8 (G) and 9 (H) also do not make any such provision for Government schools. The RTE Act demands for time bound compliance of the norms and standards specified in the Schedule as a mandatory condition only as part of the procedure and rules for recognition of Private and Aided schools, which thereby does not apply to the institutions fully under the control of Government or local bodies. Of course, we can make an alternative and liberal interpretation of the RTE Act through the reading of silences to argue that the norms and standards prescribed in the Schedule are binding for every school, because as distinct from section 18 of the Act, the Schedule does not make any exceptions. Even the bare fact that the Schedule is annexed with the RTE Act implies—if seen in context of the spirit of a fundamental right to education—that it is binding on every school. It can also be argued that for equitable quality education, compliance with the Schedule is essential for every school and that there should be parity amongst Government, Aided and Unaided Private Schools, otherwise it would amount to the violation of Article 14 of Indian Constitution. Yet, the point underscored here is that such a line of reasoning would be an exceptionally liberal interpretation of the Act, otherwise a close reading of the sections cited above allows constructing a somewhat different case, which means that the judgment of Allahabad High Court is sterner than the RTE Act.

Whilst the verdict of Supreme Court upheld the constitutional validity of RTE Act on the question of 25 percent reservation for disadvantaged children in Private Schools, the judgment of Allahabad High Court pronounced by Justice Agarwal attempted to restore focus on Government School System. The verdict of Supreme Court implies that the public sector, the society and the state possess certain claims over private sector as well. Therefore, it can be regulated in the interests of people. However, the discourse around it ultimately promoted the idea of the superiority of private schools as an oxymoron, giving a further push to the competition to admit children in these institutions under an enterprise, seemingly designed for social justice, but practically shifting attention away from the real necessity of strengthening public system of education. This quota of 25 percent for EWS children is calculated only on the maximum intake capacity in the 1st class of Private schools. Therefore, it would benefit not more than three percent children in the relevant age group for Elementary Education. In order to maximize this percentage, more and more privatization of school education would be indispensable. This has therefore shifted the focus of attention from the improvement of Government and Local Body maintained and run schools constituting more than 80 percent of the overall structure to different kinds of private schools forming less than 20 percent of it. Hence, the roadmap provided in Justice Agarwal's judgment seems more capable of saving and improving the Government School System than the RTE Act, which has given further push to rampant privatization and has created a narrow race for admission in Private Schools. If the purpose is to ensure equitable quality education for all children, including those poorer, disadvantaged, disabled, dalit, and tribal children living in forest areas, difficult hilly tracts, border lands, scarcely populated remote villages, and densely populated urban slums, then, improvement of Government Schools is the only viable option, not the struggle for a limited quota in Private Schools.

A careful perusal of the judgment of Allahabad High Court would show that it relies upon the Constitutional framework where education has now acquired the status of a fundamental right. Therefore, even if no petitioner pleaded to grant such a direction in favor of 'Common Man's Schools', it is a valid and constitutional prerogative of the Court to take 'judicial cognizance' of prevalent situation and ensure that the fundamental rights are exercised by citizens without any hindrance. Whilst other Fundamental Rights are preventive, Right to Education is affirmative necessitating advance arrangements. The Allahabad High Court judgment found the cause of faulty procedure of the appointment of teachers and their compromised quality within the careless attitude of the state officials, as they did not have a direct stake in these schools.

After all, the core issue of these petitions, appointment of teachers, is also an integral part of the fundamental right to education. The court found that the provisioning of 'Common Men's Schools' by the Government is in a shabby condition owing to the absence of 'real administrative involvement', because the decision makers do not have any direct stake in these institutions as they send their children in the schools of 'elite' and 'semi-elite' categories. Therefore, the court felt that the situation will improve if those who are duty-bound to administer these institutions are compelled to send their children to these 'Common Men's-Schools'. It will also boost social equation. The judgment aptly remarks that 'the Government at the level of State and Central, both, are harping every time and almost very frequently on the need to improve Primary School, but their intention has not resulted in execution and reality at grass root level'. Different schemes of education have been launched by the Government, but the situation continues to be worrying. Hence, the court is compelled to provide the directive of 'Common-Men's School' in order to protect fundamental right of the majority of children from weaker economic and social background.

It is of course an irony that the biggest legal hurdle visible in the implementation of this verdict is posed by an Act of the central Government, called the RTE Act, and not by the spirit of Indian constitution as enshrined in its Preamble and its conception of fundamental rights as contained in Part III. The RTE Act has been purportedly legislated to institute elementary education as a fundamental right. However, it is the recognition of four types of schools in this Act, and thereby a shift away from the fundamental rights of equality before the law, which might create problems in the implementation of this verdict of Allahabad High Court. It would be therefore interesting for politicians, legal experts and the people at large to explore the roadmap for doing away with this contradiction between the Constitutional framework and a Parliamentary legislation. (We will shortly return to other challenges before this verdict of Allahabad High Court).

Of course, the Allahabad High Court did not order for nationalization of private aided or unaided private schools, nonetheless, the judgment strikes an atypical note in today's context of privatization in terms of its demonstration of faith in public system to deliver. The Kothari Commission thought of gradual withering of private schools if the quality of Government schools could be maintained at a satisfactory level. However, number of private schools was limited those days, now they have mushroomed everywhere. Therefore, often it is argued that the idea of common school system, if at all conceivable in 1960s, is no longer feasible. Neoliberalism has brought a change in our common sense. We are made to believe in the self-evident superiority of private schools as opposed to the supposedly poor quality of education provided in Government schools. For instance, Annual Status of Education Reports (ASER) of Pratham and statistics compiled by other NGOs underline the dismal standards of learning and pathetic infrastructure prevalent in Government schools without ever exhibiting interest to decode the fundamental structural reason of this purported difference between Governmental and private institutions. Further, we do not have nationwide objective assessment of infrastructural indicators of private schools, even though the capacity of particularly the 'budget private schools' to maintain reasonably good infrastructure is likely to be constrained by financial reasons. However, the worth of an idea is appreciated the best when it becomes far more distanced. This is generally called the creation of objective conditions. It is in these objective conditions marked by the distortion of public system of education and its replacement by various kinds of private schools catering differently to different sections of society and excluding the bulk majority of masses that the judgment of Allahabad High Court has tried to locate fundamental problem in the structural inequality.

The High Court also observed that the recruitment of thousands of posts at a time used to commence but got trapped in huge litigation due to unmindful, irregular and casual approach of the officials responsible for managing such recruitment, lack of accountability and credibility as well as sincerity. Moreover, there are many successful examples of state run institutions still functioning better IIMs (Indian Institute of Management), IITs (Indian Institute of Technology), IIITs (Indian Institute of Information and Technology), AIIMS (All-India Institute of Medical Science), Central Schools (KVS),

and Navodaya Vidyalayas etc. Therefore, the faith in public system exhibited by Allahabad High Court is not without foundation.

The court demonstrated a genuine but increasingly rare concern for the recruitment of quality teachers in 'Common Man's Schools' in a period when the Governments have been recruiting untrained or insufficiently trained para teachers for the education of the children of 5 masses. It cancelled all those advertisements of UP Government, wherein it sought to recruit teachers compromising their quality—their training or scores obtained in Teacher Eligibility Test (TET).

The Times of India (26/08/2015) and The Indian Express (27/08/2015) inform us about the welcoming attitude of the Basic Education Minister of the Government of UP presently formed by Samajwadi Party. One of these reports also tell us that the minister whilst supporting the verdict attacked BJP (Bharatiya Janata Party), the opposition party in the state and ruling at the Center that they opposed 'Equal Education Bill' in 1977, as they wanted to ensure space for RSS run schools. Hence, 'Common Man's Schools' could be one important instrument to contain the spread of communal forces in education. However, education being a concurrent subject and BJP being at the Center, consideration for RSS schools could be a major challenge now, particularly when Union Government is busy forming new education policy for the nation. Muslim Personal Law Board had opposed the RTE Act assuming that in the name of 'Common School System', it is fastening a knot against aided institutions and madarasas. The RTE Act did not establish 'Common School System', but if implemented, the verdict pronounced by Justice Agarwal might lead us in that direction. It needs to be seen after the judgment of Allahabad High Court that how does the Muslim Personal Law Board balance its cultural concerns with the horizontal class interests of its majority co-religious fellows coming mostly from weaker economic backgrounds. Bihar Chief Minister had gone to the extent of setting up a Common Education System Commission, but after its report was submitted, the government retracted from its original position. We can only hope that the history does not repeat itself in UP.

However, there are also many other challenges before the implementation of this verdict of Allahabad high Court. For instance, the Government might face or take resort to the argument of resource crunch using the proviso of 'state's economic capacity'—common to various legislations on social issues—to seek relaxation from the strict implementation framework provided by the judgment of Allahabad High Court. If pressed hard, The Government might plead for rescheduling the execution timeframe for infrastructural preparation. The Government never completed this task over last 68 years! However, when the children of power holders will be made to attend Government's poorly maintained schools, the bureaucrats and politicians might become alarmed of their shabby condition and demand time for infrastructural upgradation and for arranging necessary financial resources for this work.

There is already a powerful lobby of investors, NGOs and Academicians arguing that for a poor country like India, the task of achieving universalization of education is feasible only through the 'budget private schools', 'Public Private Partnership', and 'Voucher Scheme'. In addition to being cost effective, according to these protagonists, such a framework will give choice to the children of weaker sections and poorer classes about the kind of school they want to be enrolled. The arguments of this group, even though effectively contested by other academicians, have already gained a lot of ground in the corridors of power. Therefore, the argument of individual's choice may be utilized against the verdict of Allahabad High Court. It might be further underlined that this verdict curtails the choice of parents, (who happen to be Government servants, public representatives, or beneficiary of perquisites from the state) to admit their children in the school of their preference. Moreover, these parents are public servants/representatives, but not their children. Then, why these children's right to study in the school of their choice is being compromised?

However, firstly, we need to understand that until children have acquired age of 18 years, parents are their custodians. They are legally entitled to take decisions on their children's behalf. Parents serving the Government also claim reimbursement of their children's Tuition Fee, medical expenses, LTC and HTC etc from state exchequer. The process of seeking such benefits outside the salary for their work begins from the reimbursement of expenses incurred in a private hospital during childbirth. Either the children of public servants and representatives live in the houses provided by the Government, or their parents receive House Rent Allowance (HRA) for the residential quarter they live in. Bureaucrats and public representatives also get servants, who draw their salaries from state exchequer to perform household chores where children of these officials are reared. These parents do not mind traveling with their children in Air India for LTC, as travel by private airlines is prohibited.

Hence, when public servants and public representatives can take so many benefits from the Government for their children, and when they can respect the limitation on their choice if it grants them some benefit, state can also impose reasonable restrictions on the freedom of these parents to select school for their kids.

Secondly, the curtailment of choice, if at all, seems painful in most of the cases only because of the currently prevalent poor condition of ordinary Government schools. If these schools are improved by these officials, the pain will automatically go away. After all, most of the parents are happy to get their children admitted in KVS, (Central Schools) run by the Government, because they are better maintained.

Thirdly, notwithstanding flagrant violations of the provision, the freedom to select school is anyhow restricted: every state Government and Local Body have fixed catchment area of Government schools. If a parent/child lives outside this radius, school anyhow asks him/her to take admission in the school of concerned locality/catchment area, or give them lesser points for admission than those others who live within the prescribed range of distance.

Fourthly, let us also clear ourselves that the implementation of the verdict of Allahabad High Court would not be an entirely new imposition on the freedom of public servants and representatives. There are already many reasonable restrictions on the Right to Freedom of public servants and representatives. For instance, without prior permission, public servants are not allowed to exercise their Right to Expression by speaking or writing in the media. They are not allowed to do political activities. They have to seek prior permission before going on an out-station or overseas journey even on a holiday. They cannot practice a parallel profession for augmenting their family income even outside their duty hours. All of these activities are otherwise closely related to their Fundamental Right to Freedom. There is no hue and cry on these limitations. Why the compulsion to send children of public servants and representatives appear to be unreasonable. One simple, but most important answer is that these schools are not well-maintained in terms of physical infrastructure, regular and sufficient availability of qualified teachers, and other support mechanisms. This means that the opposition is not principally maintainable, but is being articulated on practical grounds. This practical difficulty can be removed by improving the Government Schools.

Fifthly, besides these technical points, a fundamental question is also involved here. If democracy stands for 'greatest good of greatest number', then we need to ask, are we favoring the Right to Freedom of a select few, mostly from well-to-do families, over the Right to Equality of the remaining majority, mostly comprised of deprived and poorer population. If there is, at all, a clash between the right to freedom of a few and the right to equality of many, what becomes more important in a democratic country.

Sixthly, the Constitution of India does not grant Right to Choice. Of course, the Constitution of India grants Right to Freedom. However, even the six freedoms listed in Article 19 (1) do not include the freedom to choose school. The term choice is a recent arrival in educational discourse.

We do not know about its precedents prior to contemporary Neoliberal discourse on education. In any case, the value of fundamental rights of citizens should be placed higher than the notion of individual choice. Of course, TMA Pai judgment also involves the fundamental rights of the managers of certain educational institutions, but it cannot counteract the Constitutional safeguard in the proviso 'in the interest of public order'.

Yet, the notion of choice could be further deployed with reference to the option of the medium of education, particularly in context of the desire of parents to admit their children in English Medium Schools. Here, some retrieval of history might be helpful to understand the issue. Though different institutions imparting learning in different languages was a feature of indigenous arrangements of education as well, under colonialism, the issue of language in education became more closely linked with the aspects of identity and civilization. European scholars in colonial India brought with them their own understanding of languages as discrete entities different from each other to be objectively studied to know about peoples and civilizations. It was different from the multilingual context of language use and learning that prevailed before colonialism and modernity, where learning of language was part of students learning of specific knowledges itself. Now the study of language acquired newer approach from European discourse which believed in the historical evolution of vernaculars from some supposedly pure classical languages. Languages now became subjects to be studied separately. This changed context also provided the background to the language conflicts in modern India further crystallizing boundaries of language communities as separate entities. It provided a factor that pressed in due course of time for the division of schools along the lines of medium of education understood in terms of singular languages, rather than recognizing multilinguality of child's milieu.

Thus, since the colonial period, structure of education in India has been fragmented along the lines of language. This fragmentation has coexisted with a broad class divide. Great majority of students have been educated in vernaculars. English has been denied to most of them. Of course, the quantitative logic—how many people actually learned English—is very important to understand the degree of change (or lack of it) brought about by the colonial state. It is also important to stress that the policy of the colonial state resulted in the patronage of certain Indian languages and that the Minute of Macaulay was disapproved by the Home Government and most of the schools established by Macaulay were closed down immediately after his return to England. However, more than the quantitative, numerical or vertical spread of English education, the Minute of Macaulay, Bentinck's Resolution, Wood's Dispatch, and similar other policy pronouncements of colonial state contributed to the strengthening of the hegemonic superiority of English. Education at school level in English medium was provided only to a select few and practically denied to the majority and thereby it created both a divide as well as a feeling of superiority about English over other languages. More than the actual provision, it was the practical denial that reinforced the hegemonic superiority of English. This hegemonic superiority was further consolidated by the retention of English as the sole medium of education at higher level. Moreover, by making English as the medium of administrative work and the judiciary, the worthlessness of other languages was crystallized and demand for English was augmented.

There were people who demanded for Western scientific knowledge in English language. But there were also those who endeavored hard to assimilate and adapt this knowledge in Indian languages. Of course, some of these endeavors did receive for some time official support and acknowledgement. However, this did not force the colonial state to remove the undue hegemonic place of English. Therefore, ultimately, those endeavors of promoting modern knowledge in Indian languages also died after serving only their immediate purpose or after producing some quick temporary effect. Hence, the fruits of hard work of vernacular pedagogues like Molvi Zaka Ullah and Raja Shivaprasad—who produced huge corpus of original, translated and abridged educational literature in Hindi and Urdu—to promote indigenous languages as the medium of

school and higher education had limited success. English continued to be the medium of higher education for all and medium of school education for the elites. As a result, in due course of time, it also started eating away the option of vernacular medium at school level.

This linguistic divide coeval with class segregation continued to influence the structure of schooling in the post-independence India too. This duality has been further exacerbated under Neoliberalism as whosoever can afford sends his/her children to English medium schools. However, in contemporary India, this class divide is being questioned in two very significant ways. First, budget private schools offering English medium of education (of course in differing qualities) have rapidly emerged in every corner of the country in the recent years. Second, Municipal Corporations, State and Central Governments are trying to introduce English as the medium of education (in the entire school or in certain sections of each class) and in many cases, the shift has already been made. However, this way of negotiating class inequality is merely illusory, because poor lads still study with their poor peers whilst richer children learn with their affluent friends. Both, rich and poor get half experience and half learning devoid of fuller exposure to reality and, therefore, it is harmful for both of them. Besides this brief sketch of the history of language in education, which shows that the preference for English is a constructed phenomenon and not an invincible fact, I would like to submit four other points with regard to the question of the medium of education.

Firstly, we need to acknowledge that Learning a language, English for instance, and medium of education, mother tongue for example, are two different things. Without any doubt, effective arrangements for learning English must be made within all Government schools. Proficiency in English could be obtained without necessarily adopting it as the medium of education. However, prior to it, or as a parallel process, efforts should be made to acquire proficiency in mother tongue. It is believed that firm grasp of one language makes it much easier for the learner to acquire knowledge of any other language. This is how most of Indians learned English until quite recently when there were only few English medium schools.

Secondly, it is the official position of NCERT, as stated in the Position Paper on Language in relation to the National Curriculum Framework of 2005 that in a country like India, most children arrive in schools with multilingual competence and begin to drop out of the school system because, in addition to several other reasons, the language of the school fails to relate to the languages of their homes and neighbourhoods. It is imperative that we make provisions for education in the mother tongue(s) of the children and train teachers to maximize the utilization of the multilingual situation often obtaining in the classroom as a resource. Yet, somewhat ambiguous position of RTE Act on medium of education—'child's mother tongue, as far as practicable'—continues to be manufactured in favor of the choice of English medium schools overlooking that such steps would anglicize India more than what Macaulay and his descendants could achieve during entire colonial period. However, there have been also very powerful counter movements in some states, such as Maharashtra, Karnataka, and Tamil Nadu. In fact, as a pressure of this movement, the State of Tamil Nadu has passed mother tongue education act. Education being a Concurrent Subject, and the ambiguous position of RTE Act on language issue as stated above, it is possible for state Governments to adopt mother tongues as the medium of education by passing appropriate legislations. recent expansion of English as the medium of elementary education makes it apparent that a weak provision would be inadequate to combat Neoliberal perpetuation of the mania for this foreign language. The desire to learn English has been one of the important phenomenon, which has been perpetuated and utilized by the neoliberal market of private schooling in the name of choice. On the other hand, without linking the aspect of language with the need to democratize the nature of educational knowledge, even the support for mother tongue would bolster orthodox right wing position on this issue.

Thirdly, one cause of the mania or craving for English is that some children learn in English Medium Schools and thereby others develop a sense of deprivation, denial or discrimination. They think that such a difference will cause adverse impact on their children's future career prospects too. Due to this

reason, many pressure groups of marginalized people, such as Dalits and tribals have also started favoring English medium education. However, if an equitable policy is adopted and implemented, this social tension and conflict might be reduced.

Fourthly, parents from minority communities, or those inhabitants of UP who do not identify Hindi as their mother tongue might argue that the implementation of the said judgment would compromise their fundamental right to protect and promote language and culture. The argument will be difficult to resist if the state does not follow a roadmap to ensure that its 'Common-Men's Schools' will take care of this responsibility of optimizing diversity and minimizing disparity of all kinds, including that of language.

Of course, the nature of localities in India (or in UP) is such that that fixing a particular radius as the in-take area may reproduce in many cases the same social composition in school too. Moreover, since most of the officials directed to send their children live in cities, the degree of its impact in rural areas is likely to remain limited. However, these contingent issues can be addressed by defining the catchment area with appropriate sensitivity and through the maintenance of an index of socio-cultural diversity, as recommended by Justice Sachchar Committee.

It is being asked that if demolishing special provisions of elites and compelling them to join the ranks of masses can lead to qualitative improvement in education, do we want same overhauling in every aspect of socio-political life? Should we not abolish VIP treatment everywhere? Is it feasible and desirable? For sure, a better society is the one where inequalities of any kind are minimal. A society where more people travel in public transport would be better in comparison to the one where majority uses personal vehicles. A nation where hundred percent children are provided equitable quality education will have greater prospects of all-round development than the one where disparity results in exclusion or low levels of learning for bulk of its majority.

Of course, there are innumerable treatises exposing masculine, Casteist, communal, classist, urban, and inhumane orientation of existing education system. How would the directive of sending all children to the same school create 'social equation' if the nature of education continues to remain prejudicial and discriminatory? Would the children having better childhood care and access to pre-schooling enjoy an edge in these schools over their less fortunate peers as the judgment is silent on preschool education? Of course, without changing the nature of education, and addressing the early childhood care related issues effectively, the real transformation cannot be achieved. Nonetheless, it could be said that if the directive is implemented, it has the potentials of facilitating the interaction of different classes, groups, communities, and sexes within the same spatial enclosure of school, which could be the first step in the direction of democratizing the orientation of education.

In this context, it is imperative to spear a political campaign in favor of these directives of Allahabad High Court and to take up the demand for 'Common School System' during the next elections in the state of UP. Besides this, there is an urgent need to build a nation-wide campaign that exposes the Neoliberal agenda of the new National Education Policy being formulated by the Central Government led by the NDA turning over the socially equalitarian principle of 'Common School System' recommended by Kothari Commission in 1966 and accepted by the Government of India in 1968. In fact, the implementation of the judgment of Allahabad High Court should be made a core agenda item of the new National Education Policy.

Part 2

Editor's Note

Historically the need for making formal schooling universal and available at a mass scale is because of the increase and complexity (specialization) of knowledge required for carrying on productive activities in society. Today the demand for formal knowledge reflects the transformation of industrialized society into a 'knowledge society'. However, it is important to see that human beings are distinguished above all by their ability to continuously learn from experience and transform, i.e. educate themselves. Education is vital for life, dignity, development of the personality and creating new opportunities for growth.

Therefore denying access, through economic exploitation and social discrimination, to deprived and marginalized sections of society by the failure to universalize formal education only serves to strengthen existing, deeply entrenched social inequalities. The right to learn should be assured to every individual without any discrimination and with full equality of opportunity, receiving full support and facilities, through-out her life. If society has to become more democratic and equal, then every child has to have access to a free and comparable education of quality from early childhood to university i.e. from "KG to PG". The contribution made to universalizing education through the concept and implementation of common neighbourhood schools with equal access for all children has been an important part of modern education. The "general education of all children without exception at the expense of the state – an education which is equal for all and continues until the individual is capable of emerging as an independent member of society . . . would be only an act of justice . . . for clearly, every man has the right to the fullest development of his abilities and society wrongs individuals twice over when it makes ignorance a necessary consequence of poverty." (Fredrich Engels 1845/1975: p 253).

International experience since the 19th C provides valuable support for this view. In the process of developing modern economies and societies, all nations that are developed today have had to provide for free and compulsory universal schooling, funded and regulated by the State, while management often involved collaboration with the local community. Common neighbourhood schools have been the only successful method of universalizing free and compulsory elementary and secondary education in societies with diverse political and socio-economic systems e.g. USA, France, Japan, erstwhile USSR, Cuba and China, and at different periods of their development e.g. Europe and Japan in late 19th and early 20th C, the two Koreas, Cuba and China in the mid-20th C, and Venezuela and Bolivia at the turn of the 21st C.

Common School System: Do we have an option?

Anil Sadgopal

In October 1997, as I walked out of the international airport of Toronto (Ontario, Canada), my eyes caught the newspaper headlines announcing: State-wide School Teachers Strike. Coming from India, this was nothing unusual. However, the next headline puzzled me. It read: Joint Rally of Teachers and Parents.. It made no sense at all. How can the teachers and the parents join hands in a protest? In India, parents would be furious if teachers go on strike but here they were marching and shouting slogans together.

The protest was so massive that the entire state of Ontario came to a standstill for the next seven days. It was a common political issue for all. The faculty and the students of the University of Toronto extended full support. Seminars and sit-ins were held at the university campus, addressed by the leadership of the unions of school and university teachers alike and supported by student organizations and parent groups. I was amazed at this solidarity. The provincial government was under fire for two issues. First, the government had declared major budget cuts in school education. Second, the autonomous elected school boards, responsible for decentralized management of school clusters (including teacher appointments, curriculum and exams) were to be merged to form larger boards in order to save money. To the parents and teachers, the larger boards signaled decline in the quality of management.

I was in Canada to attend a conference against globalization. My hosts explained that both of these government decisions were indicative of the neo-liberal policy shifts. These were designed to increasingly result in abdication of the State's role in the social sector, particularly education and health, eventually affecting the whole of Canada. This however, did not explain the people's solidarity. In India too similar neo-liberal policy shifts in education were evident. Yet, neither the teachers nor the parents seemed to be concerned. The educated middle class apparently did not care how the neo-liberal policies were destroying the vast government school system, with consequent increase in the pace of privatization of school education. On the contrary, the middle class, though unhappy about the increasing cost of education, implicitly supported privatization.

The explanation became apparent as I studied the Canadian school system. In Canada, the public-funded school system essentially covered the entire population and was maintained at a high level of quality. The private schools played a negligible role. In spite of public funding, the government control or interference was at its minimum. The school boards, comprising, on average, 50-60 schools, were responsible and accountable for teacher appointments, placement and promotions, curriculum and textbooks, exams, maintenance of quality and all other aspects of management.

Each school was essentially a neighbourhood school. All children, irrespective of their socio-economic or cultural background, studied in these schools. It did not matter who you were - university professor or a factory worker, senior government official or a garbage truck driver, prime minister or a farm labour, corporate executive or a police constable. If you had a child, she would go to the neighbourhood public-funded school. Period. There was no choice. Now, this explained the people's solidarity. This was because the quality of education received by everybody's children was going to be equally but negatively affected by the two political decisions taken by the provincial government.

All citizens of Ontario had a common political stake in maintaining the quality of the public-funded school system. An entirely contrary scenario was witnessed in Bhopal in February 2008. About 30,000 lowly paid under-qualified and untrained para-teachers appointed in Sarva Shiksha Abhiyan's (SSA) 27,000 odd Education Guarantee Scheme (EGS) centres of Madhya Pradesh were on strike. Euphemistically called guruji, they were demanding regularization as teachers after several years of service. Each year they would go on strike to draw state government's attention but to no avail. This time, however, realizing the significance of the election year, the guruji union decided to intensify its battle. In the beginning, the gurujis sat at the usual dharna site and were ignored. The gurujis then shifted their dharna to block one of the roads leading to a high profile market serving the upcoming middle class of the city. There was a hue and cry. The media openly criticized the state government. Mind you, not for the closure of 27,000 centres in tribal, dalit and other backward hamlets but for its inability to keep the access to the market open. Not a word of sympathy was uttered by anyone, not even by political leaders either for the loss of studies suffered by 7-8 lakh poor children or the discriminatory treatment given to the gurujis. What else would you expect? None of those who shop in the high profile Bhopal market, including the political leaders residing in the state capital, send their children to government schools, least of all to the inferior quality single-teacher EGS centres of SSA.

Neither the powerful IAS and IPS officials nor the media personnel have any stake in the government school system. Even more deafening was the silence of the teachers unions. The neo-liberal policy decisions taken in the second half of 1990s had fragmented the teacher cadre into six categories. Regular teachers (declared by the then CM as a dying cadre.), Shikshakarmis, three separate cadres of Samvida Shikshaks (i.e. contract teachers) and finally the lowly gurujis. Each cadre fought its battle separately, holding dharnas at different times of the year. Apart from this division of the teachers voice, the irony is that the teachers themselves have no stake in the parallel layers of schools they teach in since their own children also go to private schools!

The Great Escape : Loss of a Common Political Stake

The government, kowtowing to the World Bank policies, has established a multilayered school system from the mid-eighties onwards, each layer with its own teachers cadre that is meant for a separate social segment. This led to rapid deterioration of the quality of government schools during the past 15 years as all the privileged sections of society, with any political voice or lobby worth the name, shifted their children to private schools. The creamy layer among the SCs, STs, OBCs and Muslims, by and large, also followed suit. Today, the lowest rung of the multi-layered government school system has only the weakest, mostly the marginalized dalits, tribals, extreme OBCs and Muslims, particularly girls in each of these sections of society. The only exception to this phenomenon is the miniscule set of elite schools like the Kendriya or Navodaya Vidyalayas of the central government and similar special schools set up by various state governments.

Education has become a commodity, rather than an entitlement or a Fundamental Right. Those who can afford to buy education do and those who can't are compelled to accept the government system. Unlike Canada, there is no common political stake in the nation's education system. Even the Members of Parliament and state legislatures have hardly any interest left in the government system in spite of voting budget allocations or cuts therein year after year.

Few realize that, like Canada, other G-8 nations also have well-functioning public-funded school systems built on the principle of neighbourhood schools. This is particularly true for the USA, France, Germany and Japan, though neo-liberal policies are steadily making inroads in these countries too. Without a Common School System in some form or another, none of the developed nation would have reached where they are today. This includes U.K. which earlier boasted of its privileged grammar schools but had to move towards the Comprehensive Schools System under rising democratic pressure in the 1970s which did away with selection for admissions.

What is true for the G-8 nations is also true, by and large, for the Scandinavian countries, Switzerland, China, South Korea, Cuba and former members of the Soviet Union - all of which achieved almost universal school education decades ago. This success transcends ideological history or present economic persuasion. Can India hope to be an exception to this historical experience?

We were also moving towards a Common School System (CSS) until mid-1970s. The only aberration was a handful of the so-called Public Schools, designed in the elite English tradition, serving the top echelons of the Indian privileged classes. A substantial proportion of the people of that generation who are still leading national institutions in various critical sectors had received quality education in either government, local body or private but government-aided schools. It was around this time that the elite and upper middle class started shifting to private unaided fee-charging schools, primarily in pursuit of English-medium education and competition-based and career-oriented curriculum. No one can blame this section of society since the government policies had failed to establish the relevance of either the Indian languages or the prevailing school curriculum for entry into civil services, judiciary, business or industry, S&T, and professional services.¹ This great escape is precisely what triggered the decline of the quality of one of the world's largest public-funded school systems (a total of 12 lakh schools today). The crisis was foreseen by the Education Commission (1964-66), popularly called the Kothari Commission, which recommended CSS as the National System of Education with a view to bring the different social classes and groups together and thus promote the emergence of an egalitarian and integrated society.. The Commission warned that instead of doing so, education itself is tending to increase social segregation and to perpetuate and widen class distinctions. It further noted that this is bad not only for the children of the poor but also for the children of the rich and the privileged groups since "by segregating their children, such privileged parents prevent them from sharing the life and experiences of the children of the poor and coming into contact with the realities of life. . . . also render the education of their own children anaemic and incomplete. Both National Policy of Education 1968 and 1986 resolved to move towards CSS.

Common School System : Defining, Debating and Discourse Building

There are three confusions regarding CSS that are deliberately created by the powerful private school lobby, neo-liberal ideologues and the representatives of the global market forces. First, CSS is misperceived as a uniform school system. On the contrary, it is the present education system that follows a rigid curricular and pedagogic framework circumscribed by Boards of Examination and now international affiliations. All this has worked against children's natural attributes such as creativity, curiosity, questioning, dissent or tendency to explore and chart new paths. It reinforces compulsion, comparison and competition that restrict options, academic freedom, co-operation and team functioning. Such a framework pushes children to adopt dishonest and immoral practices in exams. The 11th Plan is talking of using secondary education for building skilled labour force for the global market. This means even greater regimentation rooted in a mechanistic approach. Modern educational theory, however, expects each school or a cluster of schools to be able to respond to the local contexts and reflect the rich diversity across the country. The rigidity of the present system can be challenged only when flexibility, contextuality and plurality are accepted, among others, as the defining principles of CSS. Indeed, it should certainly be possible to conceive of a national system wherein, in principle, no two schools shall be identical and each will be known for its unique conception of quality, albeit within a broad national curriculum framework. In this sense, CSS can be visualized as the most urgently needed reform. Second, CSS is irrationally projected as one that acts against quality, talent and merit. On the contrary, it is the present system based upon paying capacity, privileges and false sense of superiority that has alienated the most powerful sections of society from the government schools system, if not from Bharat itself! As a consequence of this great escape, the government school system has lost its voice of advocacy at the highest fora.

Political leadership, corporate executives, academia, professionals, writers and the media personnel have no vested interest left in the improvement of the quality of government schools. Further, the neo-liberal Structural Adjustment Programme imposed on the Indian economy since 1991 has resulted in steady withdrawal of resources from the education sector, expressed as percentage of GDP. This has led to a policy of a multitrack education system based upon poor infrastructure, multi-grade teaching and parateachers. It has meant exclusion of at least two-thirds of our children from quality education, thereby suppressing their inherent potential for contributing to social or national development. Less than a third of nation's genetic pool is available for talent and merit development.

Third, it is wrongly claimed that CSS will not permit a privately managed school to retain its non-government and unaided (or aided) character. Again, CSS implies that all schools irrespective of the type of their management, sources of income or affiliating Boards of examinations will participate and fulfill their responsibility as part of the National System of Education. All that is expected of such schools is that they operate within the framework of the Constitution and function as genuine neighbourhood schools. With 86th Constitutional Amendment free and compulsory elementary education has become a Fundamental Right. This means that the very notion of fees or other contingent charges, at least until class VIII, have become anti-Constitutional! The Constitution has liberal space for philanthropy but not for commodification of education.

The Neighbourhood School and Other Essentials of CSS

Further, the CSS based on neighbourhood schools implies a heterogeneous classroom representing the diversity (along with disparity) prevailing in the neighbourhood. Only then, all sections of society, including the poor, will have a vested interest in improving the government school system. The neighbourhood school needs to be envisioned as a common public space where children of diverse backgrounds can study and socialize together. This is a pre-condition in a society like ours for forging a sense of common citizenship without which a healthy democracy can not function.

Also, can there be a Fundamental Right to education of unequal and inferior quality education? Let me go a step further. The 86th Constitutional Amendment (2002) inserted a new Article 21A in Part III of the Constitution that made Free and Compulsory education a Fundamental Right for the 6-14 age group children. Does the Constitution permit a Fundamental Right to education that violates the principles of equality and social justice enshrined in Articles 14, 15 and 16? Naturally, not. Given this, do we have any option other than the CSS based on neighbourhood schools that will be in conformity with the vision of education emerging from the Constitution?

The present school system structurally promotes discrimination. May be an example would be helpful here. The teachers of the government schools are pulled out of the schools frequently on a variety of non-teaching assignments, ranging from counting sheep and conducting Below Poverty Line Survey to organizing elections and doing the decennial Census. This implies colossal loss of teaching days. More importantly, this makes the teacher cynical about her profession and gives a misleading political message that everything else is important other than teaching children. In contrast, the private school children do not suffer any such loss. In a way, we can say that the poor children going to government schools sacrifice their education in order to sustain democracy in India and build a data base for social development and economic planning. This discrimination against government school children (almost 90% of the children enrolled at the elementary stage) will come to a halt only when the children of the ruling elite start going to the government schools.

Let us also realize that any attempt to introduce curricular or pedagogic reforms, as the NCERT attempts to do periodically, in a hierarchical system is bound to increase discrimination and exclusion. The collapse of World Bank's District Primary Education Programme (DPEP) in the nineties and now of Sarva Shiksha Abhiyan (SSA) provides historic evidence of this common sense thumb rule. Such arbitrary and temporary schemes or projects have no relevance to the crisis of education faced by

the nation.vance to the crisis of education faced by the nation. This is because these schemes are not even designed to bring about any basic structural reforms that would open up space for reconstruction of the endangered relationship between the child, the teacher and the curriculum. This is precisely why these schemes have failed to achieve their declared objectives. Nothing short of a radical transformation is required to move forward.

Let us briefly list eight essential conditions for building the CSS that will apply equally to the government-run elite schools and the private unaided schools:

1. All schools to be neighbourhood schools with a defined neighbourhood. Diversity would be optimized while delineating the neighbourhood.
2. All schools to fulfill a set of minimum Norms and Standards with respect to the infrastructure, teacher quality and status, pupil:teacher ratio, non-teaching staff, potable water, electricity and telephone, toilets, supporting systems for the disabled, teaching aids, ICT facilities, library and laboratory, playground and play equipment, facilities for fine arts and performing arts, curriculum and pedagogy and all other parameters for ensuring quality education.
3. As per Article 21A of the Constitution, all schools to provide absolutely Free education from nursery stage to Class VIII. As per Article 41 and its interpretation by the Supreme Court.s Unnikrishnan Judgment (1993), the government to regulate the fee structure of all schools, especially the private unaided schools, from Class IX to XII, preventing profiteering, parking of funds and income tax evasion.
4. All schools to follow the National Curriculum Framework (NCF) that would be reviewed from time to time. NCF will define a core curriculum that would be common to all schools except that the regional diversity will be appropriately reflected in the elements of the Core Curriculum. Apart from the core, there will be ample latitude and flexibility in the rest of the NCF to design curriculum at the level of the states, districts, Blocks or even the village panchayats in accordance with the local socio-cultural milieu, provided the broad principles of NCF are maintained. This would make it possible to institutionalize a decentralized practice of designing of curriculum, syllabi, textbooks, teaching-learning process and assessment such that the process would appropriately reflect the rich geocultural diversity of the country while maintaining a balance with the concepts critical for developing a national and global vision. The above framework also provides adequate space for curricular innovation, experimentation and even dissent at the level of the individual schools, teachers and students.
5. A common policy of language education founded on the principle of multilingualism of the vast majority of India.s children and the mother tongue's critical role in the learning process, including the learning of the state/UT language as well as Hindi and English.
6. The curriculum, pedagogy, textbooks and the school ambience to ensure that no child feels excluded or marginalized due to the presentation of SCs, STs, extreme OBCs, minorities and the disabled and the women in each of these sections in a negative image. Inclusive education implies that the contribution made by all sections of society to the freedom movement and to the building of the post-independence India is appropriately brought alive in the school.
7. Critical Pedagogy to guide the transformation of the present multi-layered hierarchical school system into the CSS based on neighbourhood schools, since the CSS implies much more than a structural change; it implies an education that liberates the child.s mind, enabling her to resist injustice, deconstruct capitalism and neo-liberalism and struggle for social transformation.

8. Each school to have a management committee of its own, with at least 75% of the members being the parents of the children attending the concerned school; SCs, STs, OBCs and the minorities to have proportionate representation; and half of the members to be women. The functions and duties of the committee to be well defined through a law. If the above concept of the CSS and neighbourhood schooling requires a legislation by the Parliament, then this must be made into an urgent issue of a nation-wide political struggle. In light of the long-delayed Right to Education Bill, it may be worthwhile to seek to redraft the Bill with a vision of systemic transformation for building the CSS based on neighbourhood schools (see my article in TEHELKA, 14th June 2008).

Concluding Remarks

To be sure, there are powerful forces trying to divert public attention from the Common School agenda through clever devices. These include private schools running afternoon centres for the poor, 25% reservation provision in the Draft Right to Education Bill 2009 for poor children of the neighbourhood in private schools and now the 11th Plan proposal of school vouchers and public-private partnership for backdoor funding of private schools out of public funds. These are ways of justifying and legitimizing the present exclusionary system. We have to also learn to identify and resist the market fundamentalists and neo-liberal consultants in the academia, media, policy making and their fellow-traveller NGOs who are working overtime to push the neoliberal ideology in Indian education system in particular and the economic and democratic life in general. The struggle for equality in and through education can't be delinked either from the struggle for jal-jangal-zameen and jeevika or from the struggle for social transformation. The evolving discourse on Common School System will also have to deal with the eternal question: Can such a radical systemic transformation in education take place without a socialist revolution? While we may not have a clear answer, an operating thesis may be debated. This may not be seen as the proverbial chicken and egg question. Instead, a dynamic relationship based upon dialectical materialism between educational and socialist transformation may be assumed for moving forward. Both are democratic struggles in which the participation of the masses is critical and must be advanced together. The impact of participation in these struggles on the critical consciousness of the people must not be under-estimated. This then provides a preliminary framework for developing a pedagogy of reconstruction of socio-economic and democratic institutions in the country. This includes the educational system. While debating theories and building strategies, we need to have clarity on the basic issue. By postponing the Common School System functioning through neighbourhood schools, we would only postpone giving every child an equal opportunity to fully develop her potential for knowledge acquisition, internalisation of humane and democratic values and, above all, articulation of her own vision of India. The reference to articulation of child's vision implies a socio-political construction contoured by Critical Pedagogy, even if the vision conflicts with today's so-called 'mainstream' vision rooted in class, caste, cultural, linguistic, regional and patriarchal hegemony, increasingly reinforced by neo-liberalism. All this is essential groundwork for political struggle. We may re-iterate, even if not over-emphasise, that the Common School System is the only educational framework known to us which will enable us to forge a sense of common citizenship to wage a united struggle for a democratic, socialist, egalitarian and secular society.

Are Finnish schools the best in the world?

Madhu Prasad

Finland, a Nordic nation of 5.5 million people, is the country that has topped the international league table of the developed world's education systems for almost all of the past decade. Its top-level ranking is based on the PISA (Programme for International Student Assessment) of the Organisation for Economic Co-operation and Development (OECD) tests of 15-year-olds around the globe in reading, maths and science. Finland's schools and universities have been besieged by the British, Germans, Chinese, Thais, Spaniards and Austrians to discover and reproduce the system's "recipe" for success.

Finnish educationists are wary of the idea that foreign governments can "cherry pick" parts of the Finnish education system and ignore the rest. There are at least two major features of the system as a whole. Firstly, teachers are highly valued and well-trained, requiring a master's degree to join the primary education programme. This puts teaching on equal footing with law and medicine so that professionally it is very attractive. In fact teaching is the most sought-after profession in the country. Secondly, it is important that Finland as a country does not have the vast gap in household incomes seen in most developed and developing countries and so social mobility is not such an issue.

Equally significant is the fact that in Finland's high performing education system, free and compulsory education for all goes hand in hand with the rigorous teacher recruitment process to create a successful education system. It is illegal to charge fees in the Finnish education system, so even those schools that are run privately take their funding from the state.

Schools are comprehensive in that there is no selection of pupils. The school curriculum is also less formal and more relaxed. The teachers are not beset by targets, in fear of inspections or how well their schools do in league tables. There are simply no league tables or inspections. "They are academics and well trained, so we trust them," says a Finnish Professor of Education. "This is an important feeling: they don't need any inspection. Also, we don't have a system of national testing. The teachers are trusted to assess their own pupils." While teachers do like to get feedback on their teaching, they are not bowed down with pressures of competition or paperwork.

Class sizes are small, 20 in the first two years of schooling and the sixth and seventh year (12 and 13-year-olds). They are also of mixed ability, with educators believing the teachers are well-enough trained to cope with a wider range of ability in their classes. If pupils fall behind, a second teacher can be sent in to help them to catch up. Finland used to have a central education inspectorate in charge of evaluating school performance, but this has been replaced by a National Evaluation Council. This council differs from an education inspectorate in that it serves to evaluate national policies rather than individual school performance. Schools are only formally evaluated periodically, with an exam administered to a sample of students in grades 6 and 9. Teachers are expected to use professional judgment and discretion, take collective responsibility for the education of their students and be accountable to their peers.

Finland's distinctive education system does not stop with absolutely free and compulsory schooling. After the age of 16, after 9 years of schooling, youngsters decide whether to opt for an academic or vocational programme. There is a divide at university level between the academic universities and the polytechnics or the universities of applied science. But university education is free for Finnish and EU students. The rector of Helsinki University, ranked in the world's top 100 universities, says: "Free education is seen as a very central part of the Finnish welfare-state

system. If you take tuition fees [from students], you will withdraw some amount of basic funding for the system."

School Management and Organization

The Ministry of Education and Culture oversees all publicly funded education, including the development of the national core curriculum through The Finnish National Board of Education and the accreditation of teacher training programs. Below the national level, Regional State Administrative Agencies and Centres for Economic Development oversee education. At the local level, the authority comes from the Regional State Administrative Agencies and the Centres for Economic Development. The local government is responsible for providing basic education (grades 1-9) in 3,100 schools, 45% of which teach fewer than 100 students. However, larger schools exist, with the largest comprehensive schools enrolling more than 900 students. For upper secondary education, the Ministry of Education and Culture provides licenses to local authorities, municipal authorities and registered associations and foundations to establish schools.

Schools are managed by the teachers and staff. The local municipal authority in any given region appoints principals for six- or seven-year terms, but apart from this appointment, they largely leave the running of the school to the principal and his or her teachers. Principals are responsible for managing the school staff, ensuring the well-being and success of the students, and managing the school budget, although they do this generally in collaboration with the teachers.

Parent and Community Participation

The education of Finnish children is widely considered to be a collective responsibility. In the 1960s and 70s, Finland's various political parties reached the consensus that all students should be educated together in a common school system, a departure from what up to that point had been a parallel system of vocational schools and academic schools. From that point on, there has been a strong link between Finnish schools and the communities that they serve. Parents are expected to take an active interest in their child's performance, and teachers are held accountable to community standards and values.

Parents are expected to be involved in their children's education; their level of participation can range from transporting their children to school (Finland has no school bussing system) to volunteering at school events to sitting on the school board (each school's board requires the participation of five parents). However, unlike in many of the other top-performing countries, students are expected to develop a strong degree of independence at an early age, and to take responsibility for their own learning. While parents are expected to be involved in their children's education, they are not expected to be in charge of it. From a young age, children are expected to get themselves to and from school, and at the upper secondary level, they have a great deal of freedom in determining the content of their programs.

Key Features of Finnish Education System

- All teachers must have a master's degree before they start teaching.
- Compulsory schooling starts at seven with voluntary play-based kindergarten for younger children. From 1990 Finland has completely free daycare for all children from 8 months to 5 years. If a parent chooses to keep the child at home, the municipality covers the costs till the age of three. Since 1996 Finnish children start compulsory, government-paid "preschool"—at age 6. It is seen as the right of the child to have daycare and pre-school, a place for the child to play and learn and make friends. Good parents put their children in daycare. It's not related to socio-economic class.

Finland requires its kindergarten teachers to devote the day mainly to playing and not to filling up workbooks as children learn well through play because they're interested. An old Finnish saying notes that "Those things you learn without joy are easily forgotten."

- No national testing, inspections or school league tables. The government looks at an 8 to 10 per cent sample of pupils' work to check on performance.
- Pupils choose to transfer to either an academic or a vocational school at the age of 16 after nine years of compulsory schooling.
- No university fees for Finnish and EU students.

It is illustrative to compare this with, for example, the

Key Features of the English System

- Teaching is an all-graduate profession but there are moves to allow free schools to employ unqualified teachers.
- Compulsory schooling starts at five. National tests for 11-year-olds with school league tables based on the results.
- Secondary-school league tables are based on GCSE and A-level results, plus absence rates.
- Students face fees of £3,000 a year in English universities – going up to a maximum of £9,000. (Figures for 2012-13)

The American Kindergarten Experience

- Researchers at the University of Virginia, led by education-policy researcher Daphna Bassok, analyzed survey responses from American kindergarten teachers between 1998 and 2010. Almost every dimension examined had major shifts over this period towards a heightened focus on academics, and particularly a heightened focus on literacy, and within literacy, a focus on more advanced skills than what had been taught before. The study also showed that the percentage of kindergarten teachers who reported that they agreed (or strongly agreed) that children should learn to read in kindergarten greatly increased from 30 percent in 1998 to 80 percent in 2010.
- While no long term advantages appear to accrue due to early literacy, there may be disadvantages. As time spent on literacy goes up, time spent on arts, music, and child-selected activities (like station time) drops significantly. Teacher-directed instruction also increases, with a striking rise in the use of textbooks and worksheets and large increases in the use of assessments.
- More than 40 U.S. states have adopted the Common Core State Standards, which contain dozens of reading expectations for kindergartners. Where 22 percent of the nation's children live in poverty (more than 16 million in total) the Common Core's emphasis on rigorous language-learning in kindergarten could be viewed as a strategy for closing the alarming "Thirty Million Word Gap" between America's rich and poor— thus holding schools accountable for having high expectations for their youngest students.

Notes

1. For a more detailed description and analysis of the neo-liberal impact on Indian education system, see my articles viz. (a) .Dilution, Distortion and Diversion: A Post-Jomtien Reflection on the Education Policy. in *The Crisis of Elementary Education in India* (Ed. Ravi Kumar), SAGE Publications, New Delhi, pp. 92-136, 2006; and (b) Common School System and the Future of India., *JANATA*, Vol. 63, No. 16, May 11, 2008, pp. 1-32, Mumbai.
2. This is an updated and extended version of my Hindi essay Vikas Gupta, 'yah hai samaveshikaran ka', *Hastkshep*, Weekly Supplement of Hindi Daily *Rashtriya Sahara*, (Saturday), 29th August, 2015.
3. Allahabad High Court Judgment on a bunch of petitions clubbed together, first amongst them being the WRIT No. 57476 of 2013 Shiv Kumar Pathak And 11 Others Versus State Of UP And Three Others. The date of pronouncement 18/08/2015.